

RESOLUTION NO. 2119

AUTHORIZING AND DIRECTING CONDEMNATION OF REAL
PROPERTY FOR PUBLIC STREET PURPOSES

BE IT RESOLVED by the Council of the City of Lodi as follows:

That the Council of the City of Lodi finds, determines, and hereby declares:

(1) That the public interest, necessity, and convenience require the acquisition, construction, and completion by the City of Lodi of a public improvement, to-wit: the opening and extension of West Elm Street between Ham Lane and Pacific Avenue in the City of Lodi with a consequent necessity of acquiring an easement for street purposes over privately owned property.

(2) That the proposed improvement is a public use and is planned and located in a manner most compatible with the greatest public good and the least private injury and that said use is authorized by law.

(3) That the said extension and opening is necessary and required to provide a public street to permit the free flow of vehicular and pedestrian traffic on said West Elm and the areas adjacent thereto.

(4) That the following described property is necessary for the improvement hereinbefore described:

All that certain real property situate, lying and being in the City of Lodi, County of San Joaquin, State of California, described as follows:

Commencing at the Southeast corner of the North 5 acres of the East 33 acres of the Southwest Quarter of Section 2, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, said corner being on the East line of said Southwest Quarter; thence 89°39' West along the South line of said 5 acres a distance of 25.00 feet to the true point of beginning; thence South 0°38' East, parallel to and 25.00 feet distant from the said East line of said Southwest Quarter, a distance of 92.79 feet; thence South 89°22' West a distance of 15.00 feet; thence from a tangent that bears South 0°38' East, along a curve concave to the South-west, having a radius of 20 feet, through an angle of 84°

08'29", a distance of 29.37 feet, said curve having a long chord of 26.80 feet bearing North 42°42'15" West; thence along a curve concave to the North, having a radius of 540 feet, through an angle of 12°23'10", a distance of 116.74 feet, said curve having a long chord of 116.51 feet bearing North 78° 34' 54" West; thence along a curve concave to the South, having a radius of 460 feet, through an angle of 17°21'41", a distance of 138.18 feet, said curve having a long chord of 137.66 feet bearing North 80°59'40" West; thence North 89° 36' West a distance of 190.72 feet; thence along a curve concave to the Southeast, having a radius of 20 feet, through an angle of 91°02', a distance of 31.78 feet, said curve having a long chord of 28.54 feet bearing South 44°53' West; thence South 89°22' West a distance of 27.50 feet to a point on the East line of Unit No. 2, Century Manor as filed for record January 27, 1954 in Vol. 14, page 2, Book of Maps and Plats, San Joaquin County Records; thence North 0°38' West along the East line of said Unit No. 2, Century Manor, a distance of 51.00 feet to the Southwest corner of the above mentioned North 5 acres; thence South 89°38' East, along the South line of said North 5 acres, a distance of 521.25 feet to the true point of beginning.

(5) That the City of Lodi acquire an easement and right of way for street purposes in the above described property by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain.

(6) That the compensation for the easement and right of way taken and property damaged, if any, arising out of the location, construction and maintenance of said project be adjusted by agreement or by proceedings calculated to fix the compensation, if any, to be paid.

(7) That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary land and/or to fix the compensation to be paid for property damaged resulting from the construction and maintenance of said improvement; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title VII, Part III of the Code of Civil Procedure of the State of California to condemn the property described above for the purpose of taking the easement and right of way for the improvement described in Paragraphs 1 and 3 of

of this resolution.

(8) To make application to the Court for an order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate possession and use of said real property, or interest in real property, or existing improvements, as a right of way for public use; to make deposit of such security or moneys in such amount so fixed and determined and in such manner as said Court in which such condemnation proceedings are pending may direct.

I, Beatrice Garibaldi, City Clerk of the City of Lodi, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2119. Passed and adopted by the Council of the City of Lodi at a regular meeting thereof held on the 7th day of May, 1958, by the following vote:

AYES, COUNCILMEN: Brown, Culbertson, Mitchell, Robinson and
Katzakian

NOES, COUNCILMEN: None

ABSENT, COUNCILMEN: None


Beatrice Garibaldi, City Clerk,
City of Lodi

Dated: May 7, 1958